

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GARY LA BARBERA, et al., as Trustees etc.,

Plaintiffs,

- v -

FALCON STEEL CO., INC., et al.,

Defendants.
-----x

DECISION AND ORDER

CV-04-4312 (RJD)(VVP)

By letter dated June 24, 2005, the defendants have asked that the court refer this matter to compulsory, non-binding arbitration pursuant to this court's Local Civil Rule 83.10. By letter dated June 27, 2005, the plaintiffs oppose the application on the ground that this matter does not qualify for mandatory arbitration because the plaintiffs seek injunctive relief. They are correct. Local Civil Rule 83.10 permits the court to compel the parties to participate in arbitration only where the amount in controversy does not exceed \$150,000 and where money damages are the only form of relief sought. Loc. Civ. R. 83.10(d)(1). Accordingly, the defendants' application is denied.

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY

United States Magistrate Judge

Dated: Brooklyn, New York
June 28, 2005